



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CRIMINAL CASE NO.113 OF 2012

REPUBLIC

VERSUS

JOSEPH LELEI KURAO - ACCUSED

SENTENCING

1. This accused person, **Joseph Lelei Kurao**, is charged with the offence of **manslaughter contrary to Section 202** as read with **Section 205 of the Penal Code**. The particulars thereto being that on the 15th May of August 2012 at Ndoinyo Kopit area in Narok County, caused unlawfully the death of **Angelinah Cherotich Kurao**.

2. He pleaded guilty to the charge under the process of plea bargain agreement on 27th May 2015.

3. The court then called for Probation Report to shade some light on the way the court should mete out sentence on the accused person. The same was filed in court on 27th July 2015.

The reading of the Probation report shows the circumstances under which the deceased met her death. The accused was angered by the way his wife was neglecting his children as a result of heavy drinking. An altercation ensued as the result the accused bit her up from which she succumbed to death.

4. In mitigation the accused is:

1) Remorseful.

2) Both were drunk at the material time.

3) The deceased continued to take alcohol even as she attended the hospital.

4) They both had six children between them, after the arrest of the accused person following the death of their mother in the neighbours who have taken care of them.

5) He seeks leniency, non-custodial sentence to take care of his children.

6) He is over 55 years and has been in custody for 3 years.

5. Accordingly, this court releases the accused person, Joseph Lelei Kurao to two years non-custodial

sentence under the supervision of the Probation Officer.

6. It is so ordered.

Dated, signed and delivered in open court this 31st day of July 2015

HON. C. B. NAGILLAH

JUDGE

In the presence of:

- Sepele for the State
- M/S Ombachi holding brief for M/S Anyona for the Accused
- Samuel Omuga: court clerk